HONOURABLE SRI JUSTICE B.PRAKASH RAO

And

HONOURABLE SRI JUSTICE D.APPARAO

TUESDAY, THE FOURTEENTH DAY OF FEBRUARY TWO THOUSAND SIX

WRIT APPEAL NOs.2236 of 2003, 2329, 2412 & 2630 of 2005

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Between:

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The Girijan Cooperative Corporation Ltd.,

Visakhapatnam and others .. Appellants

and

K.Satyanarayana Rao and others.

.. Respondents

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COMMON JUDGMENT (Per Hon'ble Sri BPR,J):

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Heard.

2. As all the appeals arise out of a common question, they are taken up for disposal together by way of Common Judgment.

3. The appellant in all the appeals is a Management who is aggrieved of the orders dated 12-04-2001 allowing the Writ Petition in W.P.No.25073 of 2000. The respondents in all the appeals are the employees of the appellant-

Corporation and have successfully assailed the proceedings No.1620 of 1998, dated 28-04-2000, initiated against them.

4. The short question that arises for consideration in all these appeals is as to whether the appellant-Corporation is entitled to initiate disciplinary proceedings dated 28-04-2000 against the respondents and whether it can be continued after their retirement.

5. There is no dispute to the fact that the respondents-employees have been retired and disciplinary proceedings were initiated after their retirement on certain allegations and charges were framed against them. The said action was challenged by filing their respective Writ Petitions.

6. The learned Single Judge after considering the respective contentions on either side and following the decision of the Apex Court in ***BHAGIRATHI JENA v. BOARD OF DIRECTORS, O.S.F.C.***, held that the disciplinary proceedings cannot be maintained subsequent to the retirement of the respondents-employees. Aggrieved by the same, the present Writ Appeals.

7. The learned Standing Counsel, appearing on behalf of the appellant, Sri M.Surendar Rao, strenuously contended that Rule 7 of Chapter I of Service Rules of Girijan Cooperative Corporation Limited (for brevity 'the Rules'), which are applicable to the Rules governing the Government employees, can be applied and therefore, the proceedings can be issued and as such the contention of the appellant-Corporation has to be considered.

8. Having regard to the contentions of the learned counsel on either side and also on perusal of the material available on record, especially, by referring to the Rule 7 of the Rules, it can be held that the Managing Director is empowered to adopt the Rules under "A.P.Civil Service Code and the A.P.Fundamental Rules" to its employees wherever the Girijan Cooperative Corporation Service Rules of employees are silent and it would mean that automatically the other Rules of the Government will apply. The Managing Director has to take a decision to adopt the Rules and without any such adoption of the said Rules, it cannot be said that all such other Rules will automatically apply to the employees of the appellant-Corporation. Admittedly, in this case, so far there is no such decision taken or adopted by the Managing Director. Therefore, we are

not in agreement with the aforesaid contention and the learned Single Judge has rightly held that the appellant is not entitled to initiate the proceedings and continue the same against the respondents-employees subsequent to the date of their retirement. In view of the same, we do not find any merit in all these appeals.

9. Accordingly, all the Writ Appeals are dismissed. No costs.

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(B.PRAKASH RAO,J)

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(D.APPARAO, J)

February 14, 2006.

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